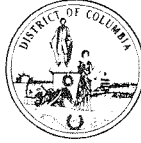


GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13934, of Carol Raper, Trustee, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to permit accessory parking spaces in an R-3 District serving two office buildings to be constructed in a D/C-2-A District at premises 2146-2150 Wisconsin Avenue, N.W., (Square 1300, Lots 307, 326 and parts of Lots 306, 308, 271 and 459).

HEARING DATE: March 23, 1983
DECISION DATE: April 6, 1983
DISPOSITION: The Board GRANTED the application, WITH CONDITIONS by a vote of 5-0 (William F. McIntosh, Douglas J. Patton, Charles R. Norris, Maybelle T. Bennett and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: June 22, 1983

ORDER

The Board granted the application subject to three conditions by Order dated June 22, 1983. Condition No. 1 of that order required that the parking lot be screened from adjacent residential properties by a six foot stockade fence and landscaping in accordance with Exhibit No. 26 of the record. By letter dated October 17, 1985, Counsel for the applicant requests a modification of those plans.

Section 506.2 of the Supplemental Rules of Practice and Procedure before the BZA requires that such request for modification of plans must be filed no later than six months after the final date of the written Order approving the application. The subject request was filed approximately twenty-eight months after the final date of the Order. Counsel for the applicant requests that the Board waive the requirements of Section 506.2 to accept the request for modification of plans. In support of the request for waiver of the rules, counsel for the applicant stated that the applicant proceeded in a timely manner to obtain the permits necessary for the construction of the buildings and accessory parking. All construction has been completed. In August, 1985, a Zoning Inspector visited the subject site and determined that a dumpster on the site did not appear on the plan marked as Exhibit No. 26 of the record. The applicant moved the dumpster from the site and relocated it onto adjacent property. By letter dated October 11, 1985, the Zoning Administrator directed applicant to seek approval of

the modified plans from the Board. Counsel for the applicant argued that the requested modification would not affect the building permit or architectural plans for the project but rather would affect only a small aspect of the overall project which is normally one of the final details to be completed prior to occupancy of the project, namely the location of a trash dumpster. The Board waived its Rules to accept the request for modification of plans.

Advisory Neighborhood Commission 3B, by letter dated October 16, 1985, supported the requested modification subject to the following conditions:

1. Access from the alley into the parking area shall remain exclusively a pedestrian walk-through, in perpetuity, the width as shown on the blueprint to the Board of Zoning Adjustment submitted on August 15, 1985,
2. The trash dumpster shall be accessed only through the parking area,
3. The areas surrounding the dumpster shall remain free from trash and be cleaned regularly,
4. Landscaping adjacent to the dumpster shall be maintained and free from litter,
5. The height of the dumpster shall not exceed the height of the surrounding fence,
6. The existing gate which opens onto the alley shall be replaced by a solid fence and the gate will be relocated as reflected in the above-mentioned plans.

The applicant has agreed to observe the conditions listed in the letter from the ANC. There was no opposition to the proposed modification.

Upon review of the modified plans, marked as Exhibit No. 31C of the record, the Board concludes that the proposed modification to the plans previously approved by the Board is a minor deviation and does not affect the relief originally granted by the Board. No additional zoning relief is required from the Board. The material facts the Board relied on in granting the application are still relevant.

It is therefore ORDERED, that the MODIFICATION of PLANS is APPROVED and that the plans marked as Exhibit No. 31C of the record are hereby approved and shall be substituted for Exhibit No. 26. In all other respects, the Order of the Board dated June 22, 1983, shall remain in full force and effect.

DECISION DATE: September 5, 1984

VOTE: 4-0 (William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to WAIVE the RULES and APPROVE MODIFICATION of PLANS; Maybelle T. Bennett to WAIVE the Rules and APPROVE MODIFICATION of PLANS by proxy; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



CECIL B. TUCKER

Acting Executive Director

FINAL DATE OF ORDER: 28 JAN 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

13934order/LJPK